

RCMP



ROYAL CANADIAN MOUNTED POLICE

Annual Report to the Commissioner

2017

WITNESS PROTECTION PROGRAM

Advisory Committee

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Executive Summary

This is the third report from the federal Witness Protection Program Advisory Committee presented, per its terms of reference, to the Commissioner of the Royal Canadian Mounted Police (RCMP).

The Committee was created to have independent subject matter experts provide advice on pertinent issues. The Committee's role is to advise the Commissioner, and by extension, Program personnel, on matters related to the effective and efficient administration of the federal Witness Protection Program.

Since the Committee's inception, the Program made a number of significant changes to its structure and operations. Three main principles or "pillars" guided these changes: a focus on protectees, program independence from investigative interests, and adhesion to program standards. This report acknowledges and comments on some of the most notable work that has taken place over the past year and suggests further improvement.

Since the last report, the Program has made progress on a number of initiatives undertaken to implement many of the Committee's recommendations, notably:

- Continuing to develop and implement a resilient, formalized Case Management Model
- Exploring the use of geospatial intelligence in relation to witness protection
- Implementing standardized tools for the assessment of protectees
- Revising and developing standard forms, templates, and procedures to ensure consistency across the country
- Efforts by Program Management to address the overlap of witness management practices in relation to witness protection
- Developing new, and fostering current, relationships with external partners and service providers
- Adding more specialized training for personnel
- Developing a preliminary research strategy
- Finalizing the performance measurement strategy and logic model
- Implementing and applying a quality assurance framework for the records management system

The Committee is very impressed with the efforts made over the last four years by the Program to implement such wide-ranging reforms. However, limited resources continue to prevent the Program from fully addressing all Committee recommendations. The Committee hopes that the Program will be able to access the resources it requires to continue the Program's evolution and to ensure that the progress achieved to date is sustained.

Third Annual Report to the RCMP Commissioner from the federal Witness Protection Program Advisory Committee

This is the third report from the federal Witness Protection Program Advisory Committee, hereinafter referred to as “the Committee”, presented, per its terms of reference, to the Commissioner of the Royal Canadian Mounted Police (RCMP).

A. Background

The federal Witness Protection Program, hereinafter referred to as “the Program”, was established pursuant to the *Witness Protection Program Act (WPPA)*, federal legislation that gives the Commissioner of the RCMP the responsibility for the administration of the Program. In the simplest of terms, the Program exists to facilitate the protection of witnesses or persons who are at risk because of their assistance to the state, or persons who are at risk because of their relationship or association with these witnesses¹. Common protection services include relocation, financial assistance, counselling, and payment for certain costs associated with a change of identity.

The Standing Committee on Public Safety and National Security (2008) and the Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182 (2010)² have both examined elements of the Program and made recommendations pertaining to its administration and operations. A number of these recommendations concerned the independence of the Program, vis-à-vis the police investigative function, and the fair and equitable treatment of protectees. On November 1st, 2014, amendments³ to the WPPA came into force, demonstrating the government’s determination to deliver more efficient and effective witness protection services.

In addition, the Program made a number of significant changes to its structure and operations. Three main principles or “pillars” guided these changes: a focus on protectees, program independence from investigative interests, and adhesion to program standards. These pillars have been significant in enhancing the Program. They are discussed in greater depth later in this report.

The Committee recognizes that today’s Program is markedly different from what it was only a few years ago. An extensive list of changes made to the Program can be found in the Committee’s first report to the Commissioner.⁴ Much work remains and the Program is still evolving, thus the Committee will use this report to acknowledge and comment on some of the most notable work that has taken place over the past year and suggest further improvements.

¹ The exact definitions of the Program, protection and witnesses can be found in section 2 of the *Witness Protection Program Act*.

² Both reports are available publicly.

³ These amendments were introduced as Bill C-51, *The Safer Witnesses Act*.

⁴ *Witness Protection Program Advisory Committee, First Annual Report to the Commissioner*, April 2015.

B. The Committee's Role

The Committee was created in order to have independent subject matter experts provide advice on pertinent issues.

The Committee's role is to advise the Commissioner, and by extension Program personnel, on matters related to the effective and efficient administration of the Program. The Committee is not involved in, nor accountable for, specific admission or termination decisions, or the protection services that are provided by Program personnel⁵. The Committee aims to provide a balanced, external perspective on the Program's processes and effectiveness.

Per its terms of reference, the Committee advises the Commissioner on:

- The function, processes, and protocols of the federal Program relative to the prescribed legislation;
- Methods developed to assist protectees in adapting to the Program, including addressing health and legal issues;
- Funding schemes to facilitate the provision of protection by ensuring adequate funding levels for the Program are maintained;
- Ensuring that Program standards are appropriate for the Program to facilitate the services required under the WPPA and to ensure that such standards are complied with;
- Any other witness protection issues that will contribute to enhancing the Program.

The Committee may also play a role in communicating and educating external stakeholders on the roles and work performed by Program personnel and to advocate on the Program's behalf as and when it sees fit.

The Committee's mandate is to provide advice on a wide range of issues, but not specific operational or administrative decisions. While the mandate does not specify the format in which the advice is to be provided, Committee members and Program personnel have recognized that the Committee's work lends itself well to providing advice both informally, through discussions during its regular meetings, and in a more formal manner, through this report to the Commissioner.

Meetings of the Committee take place twice a year and are set up to encourage continuous debate and exchange of information among Committee members and Program personnel. Since its inception, the Committee has held eight meetings.

⁵ Committee members are not privy to any information that would reveal the identity or location of protectees.

The Committee has been comprised of:

- Dr. Jim Bonta, Public Safety Canada (retired)
- Professor Yvon Dandurand, School of Criminology and Criminal Justice, University of the Fraser Valley - Committee Chair
- Dr. Julia Hughes, University of New Brunswick Faculty of Law - Committee Vice-chair
- Dr. David Marsh, Northern Ontario School of Medicine
- RCMP Commissioner (retired) Philip Murray
- Dr. Irvin Waller, University of Ottawa Faculty of Social Sciences
- Assistant Commissioner Todd Shean, RCMP Federal Policing Special Services (ex-officio member)

Given the complexity of the Program, a significant learning component had to take place at the front end of the Committee's work. This has resulted in the Committee choosing not to report in its first year. Therefore the first report covered the Committee's work since its inception in 2013 to March 31, 2015; the second report covers the period of April 1, 2015 to March 31, 2016; and this third report covers the period of April 1, 2016 to March 31, 2017.

C. Committee Changes

Committee members commit to a four year renewable term and thus, there have been no changes to the composition of the Committee since its creation. 2017 marks the Committee's fourth year and consequently Dr. Jim Bonta and Dr. Irvin Waller have decided to depart the Committee at the end of their terms. The remaining Committee members would like to recognize them for their exceptional service and wish them the best of luck in their future endeavours. Two new members from similar backgrounds will soon be joining the Committee.

The Committee would like to thank Professor Yvon Dandurand for his service as Committee Chair. After a four year term as Chair, Professor Dandurand has decided to "pass the baton" (though he will renew his term on the Committee). Dr. Julia Hughes has accepted to serve as Chair moving forward.

The Committee would also like to acknowledge the departure of Assistant Commissioner Todd Shean, who was recently appointed to the position of Commanding Officer, "K" Division. Assistant Commissioner Shean has served as an ex-officio Committee member for the last four years and has been actively engaged in Committee discussions and in helping the Committee to understand the complexities of the Program. The Committee wishes him all the best in his new role in Alberta and looks forward to working with the new Assistant Commissioner of Federal Policing Special Services, Paula Dionne.

D. The Three Pillars

As indicated earlier in this report, three key pillars (Protectee Focus, Program Independence and Program Standards) have guided the implementation of various improvements to the

Program. Much of the Committee's work, as it examines various aspects of the Program, has been organized in relation to these three pillars. An explanation of these pillars is provided below *in italics*, followed by descriptions of how the Program has evolved over the past year guided by these principles and the Committee's recommendations⁶.

1. Protectee Focus

The Program's service delivery model now focuses on placing the protectee at the forefront of Program decision-making and actions. The protectee focus perspective aims at identifying and, where possible, addressing protectee needs⁷ to ultimately deliver on the Program-legislated mandate of ensuring the physical integrity of the protectee, as well as providing protection as defined in section 2 of the WPPA, i.e., "...to facilitate the protectee's re-establishment or becoming self-sufficient".

In more concrete terms, protectee focus means appropriate and early standardized assessments of a prospective protectee, so that the best possible decision can be made as to the suitability of the individual for admission to the Program. This results in the implementation of a corresponding strategy, articulated in an individualized plan in the case of an admission, or an alternate aid arrangement if the individual is not admitted to the Program.

The Committee believes that the Program's movement to a protectee-focused Case Management Model has exceeded expectations. The federal Program has been a trailblazer in the development of a resilient model that will accommodate the various types of protectees and their individual needs. The Committee observed with satisfaction that the Program has continued to seek specialized advice from a working group of subject matter experts with expertise in the areas of risk assessment, criminal behaviour, and psychology. In the last year, this working group focused its advice on the development of processes for risk and needs assessments and reassessments for protectees. The Committee welcomed the contribution of the working group and looks forward to further discussions on its advice and suggestions.

The Committee deplores the fact that the Program is still experiencing difficulties in ensuring that data on every protectee is adequately captured on the information management system. One of the challenges for the Program has been securing desktop access to the network where the records management database is housed. Since it sits on a secure network, having readily available access often meant moving divisional units to new, secure spaces or retro-fitting current space. At this point, the Committee is pleased to see that most divisions have been able to obtain desktop access. However, the Committee would like to note the urgency of ensuring that *all* divisional units have appropriate access. Desktop or same-room access is crucial to the

⁶ Witness Protection Program Advisory Committee, First Annual Report to the Commissioner, April 2015; and Witness Protection Program Advisory Committee, Second Annual Report to the Commissioner, September 2016.

⁷ Identifying a need does not amount to an obligation to meet that need and while recognizing that a client may have a certain need, there must also be a realization that the Program may not be the appropriate vehicle to meet that need.

effective and efficient operation of the Program as it allows for employees to securely communicate on WPP matters, enhances the protection of classified information, and will allow for the timely maintenance of files and input of data on the database (and in turn improve the accuracy of the data for research purposes). An integral component in having an effective records management system with reliable data is ensuring timely and secure access and proper use.

As mentioned in previous reports, the Committee supported the concept of a resource center⁸ from the outset but advised that its implementation should be monitored and evaluated closely so as to ensure its effective and cost-efficient use. However, the Committee noted that challenges still exist in ensuring optimum and cost-efficient use of the center. The center's capability has recently been increased with the installation of videoconferencing. However, the center's utility and the original justification for its establishment, which was to concentrate key resources and make them available in one secure and readily accessible location (e.g., secure interviewing facility, psychological assessments, financial and employment counselling, etc.), has yet to be confirmed. There have been suggestions that it may be more practical and effective to build relationships with professional service providers wherever the protectee is located, rather than attempting to concentrate these services in one location. The Committee is suggesting that it would be worthwhile for the Program to reconsider its vision for the center in light of its experience of the utilization and usefulness of that resource thus far.

The Committee has been briefed on the Program's exploration of the use of Geospatial Intelligence in relation to witness protection. The Geographic Information System (GIS) is a system designed to capture, store, manipulate, analyze, manage, and present all types of spatial or geographical data. In relation to WP, the GIS has the capability of providing spatial representation of protectees and asset locations, and showing proximity analysis to each other and other important landmarks. The various mapping functions have the capability of assisting in the decision-making process for protectee relocation sites. The Committee can see how this could be a useful tool to enable the Program to map risk areas and find suitable relocation sites taking into account the protectees' needs.

2. Program Independence

The Government of Canada and the RCMP have strived to make the Program more independent from investigative interests and, in support of that independence, the Program has introduced a series of significant changes. This pillar is at the heart of the integrity of the Program and of the expectations from Government that the RCMP can and will operate a Witness Protection Program that is sufficiently independent from its investigative mandate.

Previously, the protection of witnesses was seen as an extension of the Human Source program. A human source, especially an agent source whose identity was revealed, was at risk and had to be protected. Given the importance of human sources as an investigative tool, there had to be a

⁸ A secure and covert location where protectees and their families may receive services.

system to protect them. The transition from source, to witness, to protectee, was a "natural" transition that was felt could be best be handled by a single unit.

While the importance of human sources has not diminished, the protection of witnesses, as mandated under the WPPA, is now administered independently from investigative interests. Within the Witness Protection Program, the protectee or prospective protectee is placed at the forefront of decisions, while investigative / prosecutorial interests are accounted only insofar as section 7 of the WPPA mandates⁹.

Fully establishing the independence between the witness protection function and the investigative function was one of the basic principles that led legislative and other reforms of the Program over the last four years. It is, however, a complex process and the personnel involved in both of these separate functions have had to adapt to this new model. The Program's senior management and personnel have been diligent in pursuing avenues of increasing Program independence over the past few years and the Committee has followed these developments closely. Along with revising the Program's own policy and procedures, Program staff actively sought opportunities to present at various training opportunities across the country to explain the new approach and inform affected groups (human source development, investigators, and prosecutors, among others) on the practical implications of adhering tightly to the new principle of program independence. Some resistance to that change in policy was to be expected and, eventually, it manifested itself openly although perhaps differently in various parts of the organization.

A number of issues have surfaced with respect to the distinction to be made by investigators between the "witness management" process and procedures and the witness protection process. Witness management is used by the RCMP to maintain witnesses and ensure they attend court to testify against accused persons (techniques include maintaining regular contact, providing support, counselling, etc.). The Committee has learned that, although witness management techniques are used across the RCMP, there is in fact only one formal witness management unit in place and coincidentally, it is in the only division where witness management issues appear to be in conflict with WPP processes.

It troubled the Committee to learn that after a witness is referred to the WPP, the Witness Management unit or investigators sometimes continue contact with protectees unbeknownst to the WPP, and in some cases perform tasks that fall within the responsibility of the WPP. The Committee fears that this overlapping of activities may undermine the relationships between protectees and WPP handlers and potentially cause safety and other concerns for the protectee. In such situations, a protectee may have trouble making the distinction between

⁹ When determining whether a witness should be admitted to the Program, the Commissioner must consider a series of factors described in section 7 of the WPPA. Amongst these factors are two that relate to the investigations; 7(c) *the nature of the inquiry, investigation or prosecution involving the witness – or the nature of the assistance given or agreed to be given by the witness to a federal security, defence or safety organization – and the importance of the witness in the matter*; and 7(d) *the value of the witness's participation or of the information, evidence or assistance given or agreed to be given by the witness.*

Witness Management and the WPP, and that confusion can be detrimental to both the investigative and the witness protection objectives.

The Committee is aware that efforts are underway by the Program to try to find a solution to this problem and that a report is being prepared for senior management proposing a way forward. Engagement by the Deputy Commissioner, Federal Policing, and the Deputy Commissioner in the division in question will likely be required.

3. Program Standards

Program standards allow the delivery of witness protection services in a standardized manner to all clients, from admission decision-making to the level of assistance that is to be provided. It is not necessarily about providing the same services to all; it is about providing the same level of service, based on individual circumstances, to all. The application of program standards avoids inconsistent decision-making. The program standards pillar rests with clearly defined and articulated standard operating procedures that are uniformly applied by properly trained and instructed personnel.

The Program's implementation of a protectee-focused case management model reflects this approach. In line with the formalized case management model, the Program has reviewed, developed, and re-developed a large number of standard forms, templates, and procedures and ensured that these have been distributed country-wide, providing a more consistent approach across all units. The Committee welcomed these developments and encourages the Program's implementation and regular use of standardized tools for the assessment of protectees.

The Committee wishes to underscore the importance of cooperation by relevant agencies, whether at the federal, provincial or municipal level, as well as the private sector. The Committee is pleased to see that, along with fostering current relationships with external partners, the Program has been seeking out and establishing new, secure partnerships in order to better serve protectees in their WPP experience. Program personnel are also working to develop, negotiate and sign Memorandums of Understanding (MOUs) between the Program and frequent partners to ensure mutual obligations are understood.

Having a strong training plan is another important component in applying program standards. The Committee is pleased with the Program's progress thus far in implementing a more robust training regimen. This year the Program has, in addition to its regular training calendar, added additional time to in-service training for Program employees; continued introducing handler workshops across the country, and implemented a course for analysing threats in relation to witness protection. The Committee encourages the Program to continue its efforts to offer specialized and ongoing training for personnel.

E. Evidence-Based Considerations

In addition to the three pillars just discussed, the Committee has also focused some of its attention on two other crucial aspects of the Program: research, and monitoring and evaluation. These are briefly discussed below.

- Research

Understanding who the protectees are and their evolving needs is essential to the Program's ability to deliver effective protection services. The Committee strongly believes that in order to better understand the needs and challenges of its protectees, the Program requires a strong research component.

A number of recommendations have been made with respect to potential priority areas for research within a protectee-focused context. Unfortunately, due to its limited staff resources and an incomplete database, the Program had not been able to proceed with that research until recently. During the year, the Committee was presented with some preliminary findings on the client base. The Program has also begun to develop a research strategy by identifying priority research areas.

Nonetheless, it should be noted again that due to incomplete files on the records management system, much of the research data still has to be extracted manually by staff. This adds to the strain on resources. The Committee recognizes that the Program continues to work diligently towards enhancing and updating its database, but it is disappointed by the lack of progress accomplished thus far in that aspect.

- Monitoring and Evaluation

The Program's ability to monitor and assess the impact of the many changes it has implemented is fundamental to its success. Such evaluation will allow the Program to ensure it is on the right course and is meeting its objectives as they relate to the aforementioned pillars.

The Committee is encouraged that the Program has completed and is seeking approval of its performance measurement strategy, a results-based management tool that is used to guide the selection, development and on-going use of performance measures. Its purpose is to assist Program management in examining the performance of the Program in order to support on-going monitoring, decision-making, and review functions. The Committee had the opportunity to provide input during the development of this strategy and the corresponding program logic model. The Committee understands that the Program will be using its various standardized reports and other data to measure Program outcomes and looks forward to being kept informed on the progress achieved in measuring these outcomes.

The Committee was informed of a number of monitoring and evaluation processes already in place within the Program, including regular internal reviews of divisional witness protection units, and reviews of sensitive expenditures and internal controls. The Program's Quality Assurance (QA) Framework is now in place, in which protectee files on the database are

reviewed for compliance with standard operating procedures and business rules to ensure the data is in a position to support the performance measurement strategy, research, and decision-making capabilities. Results from the QA are sent to users, which is expected to help minimize data entry errors, and in turn improve the accuracy of the information being collected for research and reporting purposes.

F. Transformation Process

The WPP has gone through a significant transformation process in an effort to modernize the program, comply with legislation, and advance the three aforementioned pillars. As such, in addition to the elements identified above around which the Committee articulated its advice, the Committee would like to briefly discuss and advise on the transformation process of the Program. An explanation of this element is provided in *italics* below, along with what the Committee sees as yet to be resolved in this process.

Over the past few years the federal Witness Protection Program has undergone substantial changes to address the mandate and expectations outlined in the WPPA. These changes have had significant impacts on Program staff at National Headquarters (NHQ) and in the divisions. The leadership of the Program has endeavoured to manage these changes while ensuring the Program meets the new mandate. In addition, there have been significant changes in personnel within the Program, related to the new functions and processes as well as mandated training requirements of the Force. At times these changes have combined to place increased workload demands on the staff of the Program, in particular within NHQ. It is not surprising that the combination of substantial change and increased workload may have brought additional strain to relationships within the Program.

The Committee believes that RCMP Senior Management has tried to ensure that the Program functions efficiently and is able to rely on a sufficient complement of staff to effectively meet its complex mandate. However, it is clear that the workload generated by the Program and its rapid transformation has placed an excessive burden on current staff. The amount of overtime required of staff, for example, is a direct indicator that more resources are necessary for the effective operation of the Program. A healthy work/life balance is required for any team to function effectively. The Committee recommends that RCMP senior management urgently explore additional staffing options.

G. Recommendations:

Over the many hours of discussions amongst Committee members and Program personnel during the past year, numerous suggestions and comments were made that may not be considered formal advice but nonetheless may have been useful for the Program. The Committee would again like to acknowledge the Program's receptivity and willingness to move forward on issues that were discussed.

The Committee uses this report to provide more formal advice, recommendations and support on what it sees as significant elements to continue to evolve the Program. The Committee hopes that these recommendations will be given consideration and found useful. It should be noted that many of these recommendations will continue to carry over from year to year, given their complexities and the time and resources required to fully implement them:

- 1) The Committee commends the Program on its development of a protectee-focused Case Management Model and wishes to remain closely involved in discussions on the progress to further accommodate the various types of protectees and their individual needs.
- 2) The Committee supports the Program's use of standardized tools that will not only add to the consistency of the assessments, but will also support and facilitate the development of research within the Program. The Committee looks forward to future updates regarding the use of such tools.
- 3) The Program should review the current use of its Resource Center and reconsider its commitment to this particular approach to service delivery.
- 4) The Committee supports the Program's consideration of mapping technologies in identifying areas of risk for protectees and recommends further exploration.
- 5) The Program should continue its efforts to assist clients of various backgrounds and, to that effect, the Program should:
 - a) Continue pursuing research to enhance the knowledge of its client base from different backgrounds.
 - b) Establish and/or maintain relationships with agencies that can assist in addressing the particular issues faced by people of various backgrounds entering the Program, such as:
 - i. Maintain relations with the Office of the Federal Ombudsman for Victims of Crime and continue to pursue research to enhance the knowledge of clients at risk of being most affected by victimization, including women and children
 - ii. Perform a gender analysis of the Program by taking a systematic look at whether the Program is responding to some of the gender challenges in the system
- 6) The Committee also urges the Program to continue its effort to strengthen cooperation with other relevant organizations and agencies to better serve protectees' needs.
- 7) The Program should continue to dedicate sufficient resources to ensure that those involved in the delivery of witness protection services receive the appropriate training, that they are subsequently updated on changing techniques and protocols, and that the

training platform is subjected to an appropriate evaluation process to ensure it meets Program needs.

- 8) The Program should continue to explore opportunities to communicate its roles and responsibilities to the RCMP membership at large and externally, within the limitations imposed by the WPPA and other legislations, e.g., continuing awareness training for various groups both internally and externally.
- 9) RCMP Senior Management should review the Witness Management framework in relation to the WPP. The Committee believes there could be serious risks associated to the overlap of processes and urgent attention is needed to clarify roles.
- 10) The Program should continue to utilize and introduce processes geared toward the systematic collection of data to inform ongoing evolution of the Program and to inform leadership on the required resources for Program delivery.
- 11) The Program should keep the Committee apprised of changes to the Program's performance measurement strategy and any other Program monitoring and evaluation initiatives, as well as consult the Committee, when possible.
- 12) The Program should continue to develop its research strategy and keep the Committee apprised of its progress.
- 13) The Program should explore developing avenues of independent research, such as feedback from protectees, which would foster the integrity and effectiveness of the Program and put the Program in a position to contribute internationally to the identification of best practices.
- 14) Given the importance of the electronic records management system to the Program in terms of operational applications and as a research, evaluation and communication tool, the Committee recommends that:
 - a) the Program should continue to prioritize database enhancements/updates;
 - b) Program personnel should ensure protectee information is populated thoroughly and without delay;
 - c) the Program should continue its QA process and end users are urged to review results and correct them accordingly and in a timely manner; and
 - d) the RCMP should urgently ensure that database desktop access is readily available for all divisions.
- 15) For the benefit of a healthy workplace, the Committee believes there is an urgency of the part of RCMP senior management to:
 - a) ensure that employee complaints are resolved in a timely manner; and
 - b) explore additional staffing options.

H. Concluding Remarks

The Committee, as is evident in this and previous reports, is very impressed with the efforts made over the last four years by the Program's managers and staff to implement the wide-ranging reforms they embarked on. Some of the infrastructure to monitor progress in achieving these reforms is now in place. However, some of the reforms in question are still in need of final completion and consolidation. The Committee hopes that the Program will be able to access the resources it requires in order to ensure that the progress achieved to date is sustained.